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Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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CHAPTER 35A

Collection Agencies

5888. To file bond with secretary of state—Conducting agency, etc.

Collection agencies are not licensed by the state but need only file a bond. Op. Atty. Gen., (828G), April 10, 1940.

A justice of the peace must file a bond before engaging in collection agency business, but need not be licensed under any state law. Id.

5889. Amount and conditions of bond.—Said bond shall be in the sum of five thousand dollars (\$5,000.00) and shall provide that the person, partnership, association or corporation giving the same shall, upon written demand, pay and turn over to or for the person, partnership, association or corporation for whom any account, bill or other indebtedness is taken for collection the proceeds of such collection in accordance with the terms of the agreement upon which such amount, bill or other indebtedness was received for collection. Said bond shall also provide that the per-

son, partnership, association or corporation giving the same shall, upon written demand, and within ten (10) days after such demand give the person, partnership, association or corporation for whom any account, note, bill or other indebtedness, or evidence thereof, is taken for collection, a statement verified by affidavit, of all monies or things received or collected thereon, such statement showing also the amounts retained or claimed as collection or service charges on each separate item upon which any collection shall have been made; and if so demanded, shall also within said time return, subject to any lien for expenditures or services, all such accounts or statements thereof, notes, bills or other evidence of indebtedness to the person, partnership, association or corporation from whom any of the same shall have been received for collection. Said bond shall be in such form as the attorney general shall prescribe. (As amended Act Apr. 24, 1941, c. 407, §1.)

CHAPTER 36

Protection against Fire and Regulation of Hotels and Restaurants

HOTELS, THEATERS AND OTHER BUILDINGS

5903. Defining hotels, restaurants, lodging houses, boarding houses, etc.

A gasoline filling station selling more than forty different articles for automobile and home use is a "general merchandise store" and need not obtain a license to sell soft drinks. State v. Comer, 290NW434.

If there is no consumption of beverages on premises, it is not necessary for off sale licensee to obtain a refreshment license from division of hotel inspection. Op. Atty. Gen., (238f), Oct. 23, 1939.

Factory lunch room primarily used by employees must have restaurant license. Op. Atty. Gen. (238J), Dec. 5, 1940.

5904. Governor to appoint hotel inspector.

The hotel inspector, now referred to as director of division of hotel inspection under the department of health, is head of a division established by law and is of the unclassified service. Op. Atty. Gen. (644), Sept. 20, 1940.

State statutes take precedence over municipal ordinances where there is a conflict. Op. Atty. Gen. (83f), Nov. 7, 1940.

5905. Hotels, restaurants, lodging houses, boarding houses, etc., to be licensed—Fees.

A state by virtue of its police power can require those selling soft drinks to procure a license. State v. Comer, 290NW434. See Dun. Dig. 1608.

5907. Plumbing, lighting, heating, etc.

See also notes under §9164, note 14.

Evidence that hotelkeeper permitted presence of ice on foot mat in lobby entrance on which guest slipped, held sufficient to show negligence. Green v. E., 295NW 905. See Dun. Dig. 4513.

Owner and lessor of hotel premises who reserved no right of possession and control of hotel entrance was not liable for negligence of hotelkeeper in permitting presence of ice on foot mat in lobby entrance. Id. See Dun. Dig. 5369.

5911. Revocation of license.

Unless complaints and violations are covered by provisions of this section, and requirements of hotel inspection acts contained therein by reference, division of hotel inspection has no power to revoke license of a restaurant. Op. Atty. Gen., (238f), Oct. 13, 1949.

MOVING PICTURES

5920. Cinematograph to be enclosed in booth.

Distribution of motion picture films. Laws 1941, c. 460.

5935. Size of aisles and to be free from obstruction.

Operator of a theatre is bound to exercise ordinary or reasonable care to keep its premises in a safe condition

for persons who come upon them by its express or implied invitation, but as to a licensee is not required to guard premises against obvious risks and dangers that exist thereon. Radle v. H., 296NW510. See Dun. Dig. 6984, 6985, 9623b.

A woman going on premises of a theatre in response to a letter requesting her to bring her child to try out in a "talent contest," was an invitee and not a licensee. Id.

STATE FIRE MARSHAL

5950. Duties of such officers and assistants.

(3).

State department of education has all powers conferred upon it by statute with respect to construction of school houses, except that there is confided by statute to state fire marshal the discretion to determine adequacy under state laws of means of exit and number of exits in school buildings. Op. Atty. Gen. (197g), Jan. 7, 1941.

5955. Officers to investigate origin of fires.

It is not the duty of a city or village fire chief to make report to fire marshal on fires occurring outside city or village limits, and they are not entitled to compensation for such reports, even though contract provides for service in adjoining town, clerk of town board of town in which fire occurs being person required to report such fires. Op. Atty. Gen. (197), Dec. 16, 1940.

5961. May order certain buildings repaired or torn down.

Where fire marshal demolishes structure located on state owned property and against which there is an indebtedness owing to a city water department, net proceeds of sale, after deduction of expenses of fire marshal, should be delivered to county treasurer for distribution. Op. Atty. Gen., (197c), Oct. 2, 1939.

5961-1. State Fire Marshal may repair or demolish certain structures.—The state fire marshal is hereby authorized to petition the district court of any county for an order of condemnation directing the destruction, repair or alteration of any building or structure located on land owned by and/or on land held in trust by the state, which is especially liable to fire and dangerous to life and limb, within the purview of the provisions of Section 5961, Mason's Minnesota Statutes of 1927. In case the petition is for an order requiring repairs the person or persons authorized by law to make such repairs, and upon whom such order is served, shall make such repairs as thereby directed, and the order may direct that the building or structure be closed and not further used or occupied until such repairs are made. Upon the filing of such petition